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Attorneys for Defendant GREYSTAR CALIFORNIA, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

ZACHARY ZEFF, an individual, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

GREYSTAR CALIFORNIA, INC., a Delaware  
corporation,

Defendant.

Case No. 3:20-cv-07122-EMC

**JOINT STATUS REPORT**

**Date:** November 7, 2023

**Time:** 2:30 p.m.

**Dept:** Courtroom 5, 17th Floor

**Judge:** Hon. Edward M. Chen

**Action Filed:** October 13, 2020

**Trial Date:** None Set

Plaintiff Zachary Zeff (“Plaintiff”) and Defendant Greystar California, Inc. (“Greystar”) (collectively with Plaintiff, the “Parties”), jointly submit the following joint status report:

1 Greystar is a property management company and Plaintiff is a former resident at a Greystar-  
2 managed property. Plaintiff has filed his motion for class certification seeking to certify, in short,  
3 whether the \$100 late fees assessed at certain Greystar-managed properties are legal under California  
4 Civil Code section 1671(d). On July 7, 2023, the parties filed a stipulation, informing the Court that  
5 they were attempting to secure a mediation date in August or early September 2023 and requesting  
6 that class certification briefing be stayed pending the conclusion of mediation (ECF No. 120). The  
7 Court granted that request (ECF No. 121).

8 The parties have not yet mediated but have agreed to mediate with the Hon. Joel M. Pressman  
9 (Judicate West) in January 2024. Plaintiff acknowledges that some of the delays in finalizing  
10 mediation have been his fault (more accurately, his counsel's) and related to, e.g., counsel's trial  
11 schedule, other unforeseen commitments, but also additional due diligence needed to effectively  
12 mediate this class case including substantial outreach from other Greystar tenants and valuable  
13 attorney-work-product related to same.

14 Defendant contends it has been trying, for almost a year, to navigate the parties to mediation,  
15 as encouraged by the Court. For example, after the Court entered an order on October 4, 2022 that,  
16 among other things, encouraged the parties to discuss settlement in advance of class certification  
17 briefing (ECF No. 108), Greystar's counsel repeatedly reached out to Plaintiff's counsel to schedule  
18 a mediation. On February 15, 2023, the parties filed a stipulation that sought to continue class  
19 certification briefing so they could pursue mediation (ECF No. 112). The Court granted that request  
20 and continued Plaintiff's deadline to file his motion for class certification to June 22, 2023 (ECF No.  
21 113).

22 Despite several attempts in February and March 2023, the parties were not able to agree to a  
23 mediator or a date for mediation. On June 22, 2023, Plaintiff filed his motion for class certification.  
24 However, shortly after filing that motion, Plaintiff's counsel emailed Greystar's counsel, indicating  
25 Plaintiff was still interested in mediation. Greystar's counsel indicated that Greystar was also still  
26 willing to mediate.

27 The parties filed another stipulation, indicating they would mediate in August or September  
28 2023. Plaintiff's counsel indicated he would be open to mediating with, among others, Judge

1 Sabraw, Judge Adler, or Judge Pressman. For several weeks, counsel researched the mediators'  
 2 availabilities and backgrounds. Greystar's counsel sent Plaintiff's counsel several emails offering a  
 3 number of options. Unfortunately, again, the parties were unable to agree on a mediator and a  
 4 mediation date.

5 On October 24, 2023, the parties again discussed and indicated a willingness to mediate and  
 6 began exploring potential mediators and dates. Due to conflicts (which include, among other things,  
 7 depositions, other scheduled mediations, the Holidays, etc.), Greystar and its counsel are not  
 8 available to mediate until January 2024. That said, the parties have made progress by agreeing to  
 9 use Judge Pressman as a mediator. The parties are working to schedule the mediation on one of the  
 10 following dates: January 8, 9, 10, 16, 22, 23. Plaintiff can mediate on those dates and the parties  
 11 anticipate having a firm date selected by the time of our status conference.

12 Respectfully submitted:

13 DATED: October 31, 2023

**NICHOLAS & TOMASEVIC, LLP**

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Attorneys for Plaintiff ZACHARY ZEFF

19 DATED: October 31, 2023

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Attorneys for Defendant GREYSTAR  
CALIFORNIA, INC.

**SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories on this e-filed document.

Respectfully submitted:

DATED: October 31, 2023

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